



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

SEP 10 1994

Mr. Harold S. Masumoto
Director
State of Hawaii
Office of State Planning
Honolulu, Hawaii 96811

Dear Mr. Masumoto:

The State of Hawaii Department of Accounting and General Services (Appellant) filed an appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA). The appeal was taken from an objection by the State of Hawaii Office of State Planning (OSP) to the Appellant's consistency certification for its proposal to construct a concrete extension of an existing drainage culvert and a concrete revetment on the banks of Manoa Stream, located at the Manoa Campus of the University of Hawaii in Oahu, Hawaii.

Since the filing of this appeal, the OSP and the Appellant appear to have reached an agreement on changes to the Appellant's proposed project. By letter dated October 19, 1993, the OSP certified that the amended project is consistent with its Coastal Zone Management Program. Therefore, the consistency issues on appeal before the Secretary on the OSP's former objection are now moot.

I have been delegated the authority to grant uncontested dismissals in consistency appeals. The appeal is hereby dismissed, with prejudice. The Appellant is barred from filing another appeal from the OSP's objection to its permit application. This is a final agency action for purposes of judicial review.

Sincerely,

Margo E. Jackson
Assistant General Counsel
for Ocean Services

cc: Mr. Robert P. Takushi
State Comptroller,
State of Hawaii





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National Oceanic and Atmospheric Administration
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Mr. Robert P. Takushi
State Comptroller
State of Hawaii
Department of Accounting
and General Services
Honolulu, Hawaii 96810

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Office of State Planning

